IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

Cont.Case(C).No.602 of 2006(S)

ARISING FROM THE JUDGEMENT IN O.P.NO.3492/2000 DATED 30/11/2005

.....

PETITIONERS/PETITIONERS NO.2, 3 AND 4:-

---

1. B. RAJENDRAN NAIR,
   UPPER DIVISION CLERK, DISTRICT OFFICE,
   KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
   PALAKKAD
   (NOW ON DEPUTATION FROM LEGAL METROLOGY DEPARTMENT).

2. C.V. EASWARAN,
   UPPER DIVISION CLERK, OFFICE OF THE
   ASSISTANT CONTROLLER OF LEGAL METROLOGY,THRISSUR.

3. SUDHEER RAJ,
   OFFICE OF THE ASST.CONTROLLER OF LEGAL METROLOGY,
   MANJERI, MALAPPURAM DISTRICT.

BY ADV. DR.K.P.KYLASANATHA PILLAY
SRI.T.P.DEYANANTHAN
SMT.SREEDEVI KYLASANATH

RESPONDENTS: RESPONDENTS NO.1 & 2:-

---

1. JOHN MATHAI (FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER),
   SECRETARY TO GOVERNMENT,
   DEPARTMENT OF REVENUE, SECRETARIAT, THIRUVANANTHAPURAM.

2. B. SATHEESAN (FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER),
   CONTROLLER, LEGAL METROLOGY, VIKAS BHAVAN,
   THIRUVANANTHAPURAM.

ADDL.3RD RESPONDENT IMPLEADED:

ADDL.R3. SRI.CHRISTUDAS
(FATHER'S NAME AND AGE NOT KNOWN TO THE PETITIONER),
SECTION OFFICER, DEPT. OF REVENUE (F),
GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

(ADDITIONAL 3RD RESPONDENT IS IMPLEADED AS PER ORDER ON I.A.NO.3377 OF 2006 DATED 14.7.2006).

BY SENIOR GOVERNMENT PLEADER SRI.M.R.SABU.

THIS CONTEMPT CASE (CIVIL) HAVING BEEN FINALLY HEARD ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.Dattu,C.J. & K.T.Sankaran,J.

Cont.Case (C).No.602 of 2006-S

Dated, this the 21st day of June, 2007

JUDGMENT

H.L.Dattu,C.J.

Alleging that the respondents have disobeyed the orders and directions issued by this Court in O.P.No.3492 of 2000 and O.P.No.19112 of 1998 dated 30.11.2005, the petitioners are before us in this contempt proceedings. According to them, the respondents have disobeyed the positive directions issued by this Court while disposing of the aforesaid Original Petitions.

2. The order passed by this Court is as under:

> "Accordingly, these original petitions are disposed of directing the first respondent to look into the matter with notice to the petitioners and the party respondents and take appropriate action in the matter, within a period of four months from the date of production of a copy of this judgment. It is made clear that a decision as above shall be taken in the light of the binding judgment of this court, statutory mandate under section 72, Ext.P11 communication of the Government and Ext.P7 communication from the Director etc. and any other relevant materials. It is further made clear that Ext.P6 in O.P.No.3492/2000 shall not stand in the way of any decision taken as above and further action in the light of Ext.P6 shall be deferred till a decision is taken as above. Needless also to say that in view of the safeguard made in the original petition that the petitioners will be entitled to the benefits, in case they succeed".

3. Pursuant to the directions issued by this Court, the respondents have passed an order dated 18.05.2007.

4. The one and only direction issued by this Court was to take appropriate action in the matter within a time frame. Now that the respondents have passed an order, in our opinion, there is neither a wilful nor a deliberate

disobedience of the orders passed by this Court. Therefore, the contempt petition need not be proceeded further. It requires to be dropped and it is dropped.

Ordered accordingly.

Consequently, I.A.Nos.299 of 2007 323 of 2007 are dismissed.

H.L.Dattu
Chief Justice

K.T.Sankaran
Judge

vku/-